

## AFTER ACTION REPORT

### **REGULAR CITY COMMISSION MEETING MONDAY, APRIL 19, 2010 6:30 P.M.**

**DELTONA COMMISSION CHAMBERS  
2345 PROVIDENCE BLVD.  
DELTONA, FLORIDA**

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### **AGENDA**

- 1. CALL TO ORDER**
- 2. ROLL CALL - CITY CLERK**
- 3. SILENT INVOCATION AND PLEDGE TO THE FLAG:**
- 4. APPROVAL OF MINUTES & AGENDA:**

**Special City Commission Meeting – March 9, 2010.**

**Regular City Commission Meeting – April 5, 2010.**

Commission voted unanimously to adopt the minutes of the Special City Commission Meeting of March 9, 2010 as presented and the Regular City Commission Meeting of April 5, 2010 with the following changes: to change Page 16, Paragraph (h), to read “The City had to cut the budget and had to cut eight (8) deputies which at the time the Volusia County Sheriff’s Office (VCSO) said they did not need those deputies. The VCSO asked for four (4) deputies and a Commissioner had pushed for eight (8) deputies, so in order to rectify the budget the City had to cut all eight (8) deputies but, at the same time the VCSO had admitted that the City gave them too many deputies which is the reason the City did not have all eight (8) deputies.”

**B. Additions or Deletions to Agenda.**

The Commission concurred to Add-On Item 5-B, Volusia County Sheriff’s Office Quarterly Report.

**5. PRESENTATIONS/AWARDS/REPORTS:**

**A. Presentation – Quarterly Board/Committee Reports**

- Beautification Advisory Board
- Firefighter's Pension Plan Board of Trustees
- Parks & Recreation Advisory Committee
- Senior Advisory Sub-Committee
- Youth Advisory Sub-Committee
- Citizens Accessibility Advisory Sub-Committee

**6. PUBLIC FORUM – Citizen comments for items not on the agenda.  
(4 minute maximum length)**

**CONSENT AGENDA:** All items marked with an \* will be considered by one motion unless removed from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

**7. CONSENT AGENDA:**

Commissioner Carmolingo asked to pull Item 7-A for discussion and the Commission concurred.

**A. Request for approval of recommendations for scholarship awards from the William S. Harvey Scholarship Selection Committee.**

*The William S. Harvey Scholarship Selection Committee met on April 8, 2010 and selected 11 applicants to receive the 2009/2010 scholarship awards. The selections were based on the following criteria: 1) financial need; 2) academic achievement; 3) school; 4) community and/or leadership activities; 5) special skills and/or talents; and 6) an essay of 500 to 750 words.*

*As you are aware, the FY 09/10 budget included an amount of \$20,000 for scholarship awards based on anticipated revenue from recyclables. The recycling revenue has been higher than anticipated and the Finance Director is comfortable with a revised estimate of \$25,000. A budget amendment will be presented to the Commission to account for the additional revenue/expense.*

After discussion, the Commission voted 5 to 2 (Commissioner Denizac and Vice Mayor McFall-Conte voted against the motion) to approve the 2009/2010 William S. Harvey Scholarship recipients by the William S. Harvey Scholarship Selection Committee with the following changes: reduce the \$3,000 award to \$2,500, reduce the \$2,500 award to \$2,000, reduce the \$2,250 award

to \$2,000, reduce the \$2,000 award to \$1,500 and leave the awards for \$1,500 alone providing an additional \$4,000 to be given to the next ranked students at an award of \$1,000 a piece for total award of \$25,000 to 15 students.

**8. ORDINANCES AND -PUBLIC HEARINGS:**

**9. OLD BUSINESS:**

**A. Request for Fee Waiver - Deltona Lodge 756 - 5K Scholarship fundraiser for graduating high school students in Deltona.**

*Deltona Lodge 756 is a subordinate Lodge of the Most Worshipful Union Grand Lodge, with their main headquarters in Jacksonville, Florida. The Deltona Lodge 756 is in good standing and the Florida Department of State Divisions of Corporations does recognize the Most Worshipful Union Grand Lodge Foundation, Inc as the entity name.*

*Perry Davis, Senior Warden of Deltona Lodge No. 756, has submitted a request to the City for a waiver of the fees associated with the Deltona Lodge 756 5K Run scholarship fundraiser for graduating high school students in Deltona, on Saturday, May 8, 2010 at Dewey Boster Sports Complex. The 5K run will be held within the confines of the Sports Complex.*

*The fees associated with this event include a total of \$475.00 as follows:*

*Fire Department - \$400.00 for 2 units and application fee  
Parks & Recreation - \$25.00 for Pavilion Rental  
Special Event Application Fee - \$50.00*

After discussion, the Commission voted unanimously to waive the fees associated with the 5K Run scholarship fundraiser to be held on May 8, 2010, for graduating high school students in Deltona.

**10. NEW BUSINESS:**

**A. Consideration of request from U.S. Bank Association TR for reduction of fine from \$5,000.00 assessed pursuant to Special Magistrate Case DEL 07-058.**

*An order Imposing Fine/Lien was entered on May 27, 2007, by the City of Deltona Special Magistrate, ordering James Laufer to pay to the City of Deltona a fine in the amount of five hundred dollars (\$500.00) per day beginning May 27, 2007, for each and every day the violations exist and continue to exist or until a maximum amount of \$5,000.00 is reached. The violation occurred when the respondent failed to obtain a permit for a room enclosure on the property located at 3089 Blaine Circle. U. S. Bank assumed possession of the property through foreclosure on January 25, 2010. The current owner brought the property into*

*compliance on March 3, 2010 by removing the unpermitted room enclosure. On March 24, 2010, the owner's representative, David Aponik appeared before the Special Magistrate to request a recommendation to reduce the fine.*

After discussion, the Commission voted 6 to 1 (Mayor Mulder voted against the motion) to grant the request of U.S. Bank Association TR for a reduction of the fine concerning Case No. DEL-07-058 for the property located at 3089 Blaine Circle, Deltona, Florida to the sum of \$500.00 to be paid within 30 days (May 19, 2010) or the fine reverts back to the original amount.

**B. Request for approval of Agreement between the City, the County of Volusia and Miami Corporation pertaining to the Farmton Local Plan.**

*Volusia County is the applicant for a large-scale Comprehensive Plan Amendment known as the Farmton Local Plan. As proposed, the County is creating a project that is akin to a new city with approximately 26,000 homes and over 4-million square feet of non-residential uses by using a method of transferring development rights from portions of the approximately 31,876 acre area known as GreenKey and approximately 15,081 acres area known as the Sustainable Development Area (SDA). The SDA includes the following:*

- 1. A Gateway District-approximately 821 acres*
- 2. A Workplace District-approximately 1,351 acres*
- 3. A Town Center District-approximately 1,909 acres*
- 4. Village District- approximately 3,100 acres*

*On February 18th, the Local Plan was adopted by the Volusia County Council. On March 9th, the City Commission approved a Memorandum of Understanding with Volusia County and Miami Corporation that required that a final agreement be presented to the respective local governments by April 30, 2010. The agreement provides for a process that allows the City to evaluate and seek mitigation for traffic impacts on City and County roads within the jurisdictional boundaries of the City which may be caused by increases in density and intensity authorized under the Farmton Local Plan.*

*Finally, on March 24th, the VGMC certified the Farmton Local Plan. The 50-year plan was transmitted and is currently under review at DCA.*

After discussion, the Commission voted 6 to 1 (Commissioner Deyette voted against the motion) to approve the Farmton Agreement with the following changes: to include a letter of interpretation from Miami Corp. regarding the mutuality of Section 8 in reference to the fact that the reduction in levels of service by itself without the additional restrictive language that a simple level in reduction of service would be considered a significant adverse impact.

**C. Discussion and direction to staff regarding addition of two (2) Deputies to the current Interlocal Agreement between the City and the County of Volusia for**

**law enforcement services (requested by Commissioner Carmolingo).**

*At the Commission workshop held on April 12th, Commissioner Carmolingo asked to include an item on the upcoming Regular Commission Meeting agenda for the consideration of adding two (2) additional Deputies to the current staffing provided to the City by the Volusia County Sheriff's Department. The current estimated annual cost per Deputy to the City is \$123,000.*

*At the time of writing this agenda memo, a more specific cost associated with the addition of these (2) deputies for the remainder of FY 09/10 had been requested from the Sheriff's Department as well as an estimated timeframe for when these two (2) deputies, if approved, would be available to begin work in Deltona. Captain Brannon has advised the following:*

"If the City of Deltona added two (2) new positions effective June 1, the cost for the remaining four (4) months of FY 2009-2010 would be \$155,254. Regarding the implementation of the new positions, it's difficult to provide a definitive answer at this time because the positions are not yet approved. Once that decision is reached, assuming it's approved, we can develop a response."

*As additional information is received, it will be provided to the Commission.*

After discussion, the Commission voted 2 to 5 (Commissioner Carmolingo, Commissioner Deyette, Commissioner Treusch, Vice Mayor McFall-Conte and Mayor Mulder voted against the motion) to approve the addition of eight (8) deputies beginning June 1, 2010 or as soon as possible bringing the staffing level provided by the Interlocal Agreement for law enforcement services for FY 09/10 from 69 sworn personnel to 77 sworn personnel.

After discussion, the Commission voted unanimously to approve the addition of two (2) deputies beginning June 1, 2010 or as soon as possible bringing the staffing level provided by the Interlocal Agreement for law enforcement services for FY 09/10 from 69 sworn personnel to 71 sworn personnel.

11. CITY COMMISSION COMMENTS:
12. CITY ATTORNEY COMMENTS:
13. CITY MANAGER COMMENTS:

After discussion, the Commission concurred to have the City Manager and City Attorney continue to work with the property owner, Mr. Campbell, at 1522 Gainesville Drive in regards to possibly resolving something with the County in reference to putting up a fence behind Station #61 bordering a County retention pond.

**14. ADJOURNMENT:**

**NOTE:** If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.